

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MOISES MEJIA-FLORES,

Defendant.

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8:11CR375

ORDER

This matter is before the court on the motion to continue by defendant Moises Mejia-Flores (Mejia-Flores) (Filing No. 91). Mejia-Flores seeks a continuance of the trial of this matter which is scheduled for August 13, 2012. Mejia-Flores's counsel represents that government's counsel has no objection to the motion. Mejia-Flores has filed an affidavit agreeing to the motion and acknowledging the time for the motion will be excluded from computations under the Speedy Trial Act. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Mejia-Flores's motion to continue trial (Filing No. 91) is granted.
2. Trial of this matter is re-scheduled for **September 10, 2012**, before Judge Joseph F. Bataillon and a jury.¹ The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **August 7, 2012, and September 10, 2012**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 7th day of August, 2012.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge

¹ Defendant's motion for a non-jury trial (Filing No. 51) is pending before the court.